

REMARKS

References

In the telephone conference of October 26, 2006, the *Land* (U.S. Patent No. 4,982,503) and *Theodore* (U.S. Patent No. 3,777,380) references were discussed. Based on the Applicant's discussion of the teachings of the *Land* and *Theodore* references, it was agreed to remove the *Theodore* reference as a rejection. An allowance of the claims was not reached. Examiner Smith stated that himself, Examiner Reis and Examiner Gutierrez will discuss the application and a communication from the Patent Office will be communicated to the Applicant shortly.

Secondary Considerations

At the end of the teleconference, the Applicant's attorney stated that the September 9, 2006 Office Action was silent with respect to the secondary considerations filed in conjunction with the Applicant's Personal Interview Agenda which was sent via facsimile on June 12, 2006. Examiner Smith stated that official file wrapper did not have the submitted evidence. Applicant's attorney stated that this evidence would be re-submitted.

Applicant respectfully submits this evidence as Attachments 1 and 2. Attachment 1 includes the Interview Agenda and Declaration of Melvin Dein and Attachment 2 includes Exhibits A-D relating to: invention description, customer testimonials, further customer testimonials and industry awards/industry testimonials.

Applicant newly submits Attachment 3 that includes another customer testimonial from Mr. T. Walters and an industry testimonial from Mr. B. Anthony, host of "Maine Safari Hunting Adventure", a television show. These testimonials were received by the Applicant subsequent to the June 16, 2006 personal interview

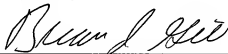
In the declaration, the Applicant submits evidence of secondary considerations. (See: M.P.E.P. §1504.03). The evidence of secondary considerations, when it exists, is always to be considered, and not merely when the Examiner remains in doubt after reviewing the prior art. *Cable Elect. Prods., Inc. v. Genmark, Inc.*, 770 F.2d 1015 (Fed. Cir. 1985).

With respect to technical differences noted in the declaration, the Applicant, in paragraphs 2-3 and 9-17, states the claimed features that differ from the cited references. Furthermore, these features correlate the benefits provided by the invention and the claimed limitations. These inventive features relied on to distinguish over the cited references are contained in the claims. For example, in paragraphs 10-11, 13-16, the Applicant highlights the claimed non-integrated rear sight, configuration of the sight groove and the light assembly.

In the customer testimonials, the customer emphasizes features of the claimed invention. For example, in paragraph 18, the testimonials highlight features of the claimed invention. In the professional testimonials, the authors and experts emphasize the claimed invention. For example, in paragraph 20, these professionals in the industry highlight features of the claimed invention. As

noted by the customer's testimonials, the customer comments were directly related to the claimed invention. (See: *Ex parte GPAC Inc.*, 29 USPQ2d 1401 (B.P.A.I. 1993), *aff'd* 57 F.3d 1573 (Fed. Cir. 1995). With respect to the commercial success noted in the declaration, the Applicant, in paragraphs, 21-24, states that the product is commercially successful is the invention disclosed and claimed in the application. In other words, the claimed features were responsible for the success. (See: *Ex parte Remark*, 15 USPQ2d 1498 (B.P.A.I. 1990). Still further, the increasing sales figures present evidence of growth in the market share and replacement of earlier products. (See: *Kansas Jack, Inc., v. Kuhn*, 719 F.2d 1144 (Fed. Cir. 1983).

Respectfully submitted,



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Date: June 12, 2006

To: Examiner Travis Reis

Company: United States Patent and Trademark Office

Fax No.: 571-273-2249

From: Brian J. Gill

No. of Pages, Including Cover: 57

Re: US SS #: 10/648,639

Comments: Dear Examiner Reis,

Attached are the exhibits for the 6/14/06 conference.

Thank you,

Brian Gill

Polster, Lieder, Woodruff, & Lucchesi, L.C.

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EXHIBIT A

EXHIBIT B

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PEEP ELIMINATOR

COMPOUND BOW
RIFLE SIGHT

Patent Pending

**"Brings Riflelike
Accuracy to Archer"**

618-526-4427

WWW.PEEPELIMINATOR.COM

WWW.COMPOUNDBOWRIFLESIGHT.COM

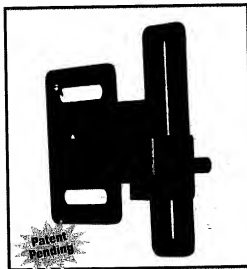
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DEALERS WELCOME

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ORIGINAL DESIGN



**Peep Eliminator With
TruGlo Fiber Optic
Green Aiming Dots**

When I first started working with the sight I was seeking a solution to solve my vision problems when shooting in low light conditions. I took a thumb screw heated it and hammered the end flat, made it square and filed V notch. I used a stiff piece of galvanized sheet metal and made the mounting bracket. It was very crude. I was amazed how well I could see my target in low light conditions plus improved my shooting with consistent accuracy. I wanted to improve the sight even more... After ten years of experimenting I fulfilled my dream. I designed a rear alignment sight that eliminates the peep and the vision problems when shooting in low light conditions. More importantly kept me from torquing the bow and made me maintaining form. I accomplished this by designing the sight to obscure the front aiming pin. It can be used with any front pin sight the archer may choose, single adjustable pin, multiple pins or pendulum sights. you will shoot greater distances with fewer pins and the settings will

be very close together. A 70 yard single adjustable pin will adjust to 100 yards or more and a 30 yard pendulum will shoot over 40 yards with consistent accuracy. It can be shot by maintaining anchor point and moving your bow arm or maintain form and lower your anchor point. To shoot multiple pins no matter how many pins you shoot all you have to do is set the rear rifle sight to align with the bottom pin and then move the correct pin for the given distance onto your target. I like to shoot by maintaining form and lower my anchor point. Your pin settings are so close shooting from 10 to 60 yards you will lower your anchor point about a 1/4 inch or so. I like this method because the pin for the given distance I want to shoot will always be sitting dead center in the V notch. Every time you draw your bow and come to your anchor point you will have clear vision of the V and the appropriate pin will always be sitting dead center. It will stay there even when you are following a moving target. You can shoot from any angle or position. If your target is behind a tree and you can bend enough to see your front pin on target and in the center of the V release your arrow your dead on. The sight simplifies archery and eliminates margin for error.

My sight is extremely accurate. How many times have you heard an archer tell his hunting story where he shot over or under the deer? This sight is truly the difference of having your trophy buck hanging on your wall or still running in the wild. Mr. Jeff G. Phillip's field tester from Broken Arrow, OK has written in his article. Give one a try; you won't be sorry you did. See fastestbows.com and testimonials.

Inventor - Melvin J. Deien

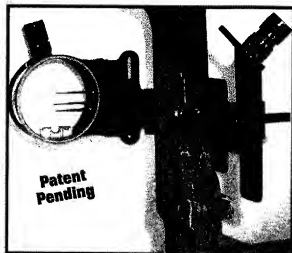
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**Give One
A Try!
You Won't Be
Sorry You Did!**

*Jeff Phillips
Field Tester,
Broken Arrow, OK*



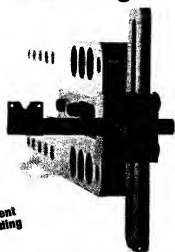
**Peep Eliminator Alignment Sight with optional light in conjunction with
Trophy Ridge & Copper John Sights**

Original Design



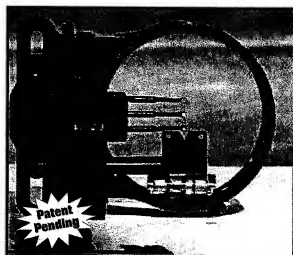
**Peep Eliminator with
standard Tru Glo fiber
optic green or hunter
orange alignment dots**

New Design



Standard Features

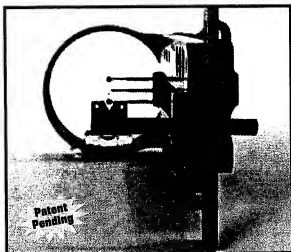
- Sight weight 3 oz.
- 3 inch length by 3.5 inch height without light
- 6061 T6 black anodized aluminum
- TruGlo green or hunter orange fiber optic alignment dots
- CNC machined
- Made in the USA



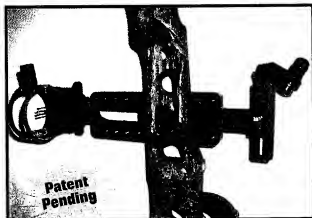
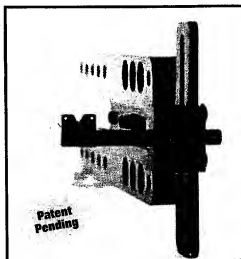
**Peep Eliminator in conjunction
With Copper John Sight**

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**Improved Peep
Eliminator With
TruGlo Green &
Orange Fiber
Optic Alignment
Dots and
Copper John 3
Pin Sight Black**



**New and Improved
Extender Mounting Bracket
With Peep Eliminator & Copper
John 3-Pin Sight**



Right: Optional Blue Light



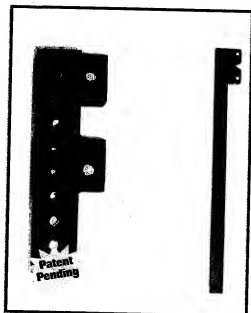
Standard Features

- TruGlo green or hunter orange fiber optic alignment dots
- 6-1/4" in length standard size with extendable T bar
- 2-3/4" high without light
- Sight weighs 6.5 oz.
- Black anodized 6061 T6 aluminum
- 5 front sight adjusting holes to extend front sight forward
- CNC machined in the USA

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Optional Features



For New Design Only
This adapter kit allows the archer who is right or left eye dominant aim with their dominant eye without switching to a right or left handed bow.

Comfortable anchor point, easy to shoot with rifle like accuracy.



Optional Purple or Blue Light & Mounting Bracket

Right: Optional Purple Light



Design Advantages

- Shoot earlier, shoot later, shoot quicker, shoot better
- Eliminates the peep and poor visibility in low light condition without optional light assembly.
- Makes archer maintain form and corrects bow torque.
- Shoot greater distances with fewer pins.
- Eliminates margin for error by obscuring front pin when archer is out of form or has the bow torqued.
- Can be shot by maintaining anchor point or maintain form and lower your anchor point.
- Fiber optic alignment dots replaceable for \$5.00.
- Sight is adjustable, up, down right or left for pin point accuracy.
- Very quick on target aim like a rifle.
- Every time you draw your bow as soon as you come to your anchor point you will have clear vision of the V notch and your appropriate pin will always be sitting dead center.
- Shoots with the same consistent accuracy on level ground, hill sides or 30 ft. up in your tree stand.
- Very accurate at 70 yards with proper bow and equipment.
- Optional light assembly allowing archer to shoot in extreme low light conditions even night hunting where permitted. Hogs or alligator.
- New improved universal mounting bracket allowing archer to extend his front and rear sight to a maximum distance of 17 inches between sights for more rifle-like accuracy.
- Life time warranty for breakage on sight 6061 T6 aluminum.
- Adapter Kit with extender sight allows archer who is right or left eye dominant to aim with their dominant eye without switching to right or left handed bow.
- Tru Glo fiber optics alignment dots.
- V notch cupped to expose the fiber optics and walls polished to reflect light.
- Fiber optics recessed for protection
- User friendly.
- Made in USA.

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The archery industry has waited many, many years for a truly new and innovative bow that totally eliminates the inherent problems that exist in conventional compound bows. The Bladerunner is not just another same-old-same-old bow design with gimmicks and gizmo's that do little or nothing to actually *improve* the bow performance and accuracy. It is truly the *final generation*, state of the art compound bow design.

The Bladerunner's isometric geometry eliminates unbalanced, off-center loading, and makes torque, riser deflection, limb twist, wheel lean, and tuning difficulties, all problems of the past.



*The perfectly straight nock travel provides a more efficient transfer of the bows stored energy to the arrow. This results in incredibly better downrange speed, penetration and accuracy that will significantly increase your "comfort" range for taking shots.

The Bladerunner is so amazing, so versatile, and will shoot so perfectly, that it can literally make a good archer into a GREAT archer! Beginners will become believers - Experts will be ecstatic that this revolutionary bow is finally here!

One look will tell you, the Bladerunner bow is *dramatically different!*



Only 26" Axle to Axle
 Let off: *65%
 Draw Weights: Under 40 to 70 lbs (all on one bow)
 Draw Lengths: 26" to 32" by changing modules
NO BOWPRESS NEEDED
 Site Window: 5 1/2"
 Brace Height: *7 1/4"
 Riser: Fully Machined 6061-T6 Aluminum
 Easily change strings and cables *in the field*
 One Model Fits ALL
 Precision ball bearings at all cams and wheels
 Arrow Velocity: AMO *230 FPS



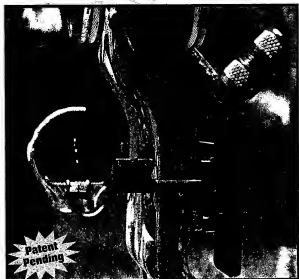
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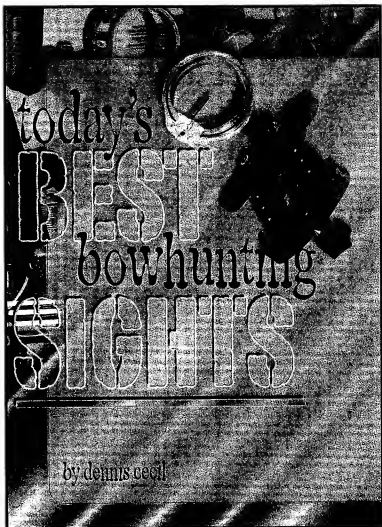
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The **Compound Bow Rifle Sight** is a rear sight that eliminates the need for a peep sight, offers unrestricted visibility in low light situations and boosts accuracy. It works perfectly with all front sights.

Reprinted with permission from the
August/September 2005 BowHunt America magazine
www.bowhuntamerica.com



Thought you might like to see the results of your product...

Douglas Newton



Hi Mel,

This is a picture of the bear I killed this year using the compound bow rifle sight. This sight is very accurate and works great in low light conditions. I really like it. I'll send you the story about my hunt.

Thanks, Jeff Heimann

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The following article is reprinted with permission from the November, 2005 ArrowTrade Magazine.



On this Universal model, front and rear aim points can be adjusted in or out. The T-shaped bar holds the V-notch rear sight and slide adjusts within the main mounting bar. There are three sets of chamfered holes for mounting to the riser, five more for attaching the sight body.



Clamshell packaging and bright yellow backer cards hold the Compound Bow Rifle Sight and optional pin light.

The advent of a new 1/4 inch hunting peeps from Jim Fletcher Archery and Specialty Archery L.L.C. this year is a reminder that hunters want it all. They want a rear sighting aid to help them maintain a consistent anchor point and to tighten their groups. At the same time, they don't want the restriction in viewing that smaller peeps necessarily entail, particularly the way they tend to darken the sight picture in low-light conditions.

An alternative approach to peeps is embodied by sights that build in a rear alignment aid like the model Melvin Deien invented and markets under the Compound Bow Rifle Sight brand name. Deien was 50 years old when he started working on the product. He'd already drilled out peep sights to brighten the sight picture, and he'd tried shooting with a kisser button instead of a peep. His first rifle sight was a crude affair fashioned from sheet metal with a flattened and filed thumb screw forming the V notch. Still it helped him improve accuracy and eliminated the problems he had had shooting under low light conditions. Deien told ArrowTrade he continued to tinker with the product for nearly a decade, finally applying for a patent in 1999.

If you've only heard of this product in the last year, there's a reason for that. As Deien was getting ready to market it in 1999, he suffered a heart attack. A year later, the handicapped adult son he and his wife care for suffered a serious fall. The spinal cord injury meant he could no longer walk. Well-meaning folks said Deien and his wife could not provide the 24-hour care he'd need to stay at home, but they've proven them wrong. A couple years later life had settled into enough of a routine that Deien felt he could give the small business a second chance. A single ad in a bow magazine generated some sale, and it wasn't long after that that the first testimonials came in from satisfied users. They gave Deien the confidence to set up a schedule of sport shows and consumer advertising that this year includes Petersen's Bowhunting and Bowhunt America, as well as Inside Archery and ArrowTrade on the business side.

As sold today, the Compound Bow Rifle Sight "Peep Sight Eliminator" comes in two versions. The original has twin slots at front that you mount the existing sight to, and single vertical slot at the rear that holds the square post for the rear sight. That post slides through the slot to provide horizontal adjustment, and within the slot to give you vertical adjustment. Mounting one of these on a bow adds 3 oz. to the mass weight.

The 6 oz. Universal model we experimented with offers more leeway in how far from the riser you set the existing pin sight and the rear sight. Provided the shooter is steady enough to benefit from it, you can offer them a sighting plane up to 17 inches in length. While a hunter will probably choose a setting where the bow still slips within a case, a 3-D shooter may want it set all the way forward, removing the Rifle Sight and attached pin sight from the bow each time they need to case it. The recessed, chamfered mounting holes should bring it back to zero without any need of adjustments. The 6-1/4 length of the Universal models gave Deien room to design in three sets of riser mounting holes, and five sets of sight mounting holes. Additionally, the T-Bar that holds the rear sight slides within the main bracket and is anchored in place by twin set screws. That gives you the option, for instance, of precisely locating the rear bar between the cables and string of a Mathews model that utilizes the Roller Guard, to give you the maximum rear positioning possible. On bows with conventional cable guards, instructions suggest a setting 1 inch in front of the cables, to prevent any contact and resultant noise at the shot.

Both Standard and Universal models utilize Truglo fiber optics flanking a V-notch rear sight, and provide a sight picture like the one at left when you combine them with a front pin sight like this Truglo model. Like a small-aperture peep, the Rifle Sight requires the shooter to hold the bow in the same manner in order to be able to see the pins. Even a slight torquing of the grip will cause the rear sight to move off to the side and "hide" the pin you're trying to use.

If your customer has good form and is shooting a peep sight now, setting them up with a Rifle Sight is fairly straightforward. You can mount their existing sight on top of or below the bracket, whichever gives the best view through the pin guard and the best centering of the pins in that sight picture. To check if the rear sight is properly adjusted, have them come to full draw and then open their eyes to see if the V notch falls in line with their pins. Then remove the peep. And be aware that this rear sight addition has the effect of magnifying pin gaps. They'll need to reset their pins gaps, or at least learn that what was a 20-30-40 setting is now perhaps a 20-40-60.

Melvin Deien supplied ArrowTrade not only with a sight, but a booklet of testimonials. I'll quote from Doug Nelson of Breese, Illinois. "At 30 yards I'm knocking off my arrow nocks and constantly shooting holes in my fletching. I decided to move back to 45 and 50 yards and I'm holding a softball-size pattern but I know I'll get better. I'm very impressed with the consistent accuracy and the tight groups I shoot with your sight. Thanks for introducing your sight to me."

If you'd like to introduce some customers to this product, reach Melvin Deien at (618) 526-4427 or email him at deien@shoglobal.net

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PEEP ELIMINATOR - USER TESTIMONIALS



I have killed 2 hogs recently with my new peep eliminator. Could have killed more but my wife will not let me put any more meat in the freezer! She says there is no room for groceries. Thanks! - *Steve Boase*



Nathan Deien 2003, 8 pt. buck, 192 lbs. field dressed and 2004 turkey.



Picture #1: An Impala Ram taken at the moment of impact by Hunter Rudy during a recent wildlife hunt in Africa.



Picture #2: A hog taken at the moment of impact.

Good day Mel, or is it early morning? I still have to put all my video on cd. Here is a pic of an Impala ram (shot with your peep elim). The pic was taken at the moment of impact at 18 yards (440 gm at 290 ft/sec.) Will send some more later. Will not shoot without it. *Rudy - Africa*



**Ben Bitter
Breese, IL**



Above: Blind archer Cameron Dean harvested this antelope with 15" horns, 39 yard double lung shot in 2004.



Right: Cameron with spotter Skip who sighted for Cameron in Wyoming on a hunt.

Melvin,

Here are some pictures of Cameron and the antelope he shot in Wyoming. He will send the story soon. The sight works great! I always had trouble sighting him with his old sight, but this one we are dead on. Skip is the other person in the pictures. He actually sighted for Cameron in Wyoming. Thanks again. - *Renee Dean*

I talked to Cameron's spotter today and he told me that in fact Cameron did shoot his antelope using your sight. The shot was about 39 yards and they double lunged him. He went about another 80 yards before he piled up. It sounds like your sight might be just the ticket. Thanks for all your help I know that Cameron really appreciates it.

Sincerely, Drew McCartney

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PEEP ELIMINATOR USER TESTIMONIALS



Hi,

I have enclosed some pictures of the deer I killed this year. I really like the sight it works great. That's my son and our grand children in the picture with me.

Frank Peters



Dear Melvin,

I have been shooting archery and bow hunting for over 16 years. I have used numerous sights since then but nothing can compare to the consistent accuracy of your Compound Bow Rifle Sight that I purchased about 5 months ago. After I installed the Compound Bow Rifle Sight it took me about 30 minutes to sight it in. I no longer need the kisser button or the peep sight. After I shot it for a while I was holding a pattern size of a golf ball and getting better every day I shot. I Robin Hood my first arrow ever, at 18 yards. Now at 30 yards I'm knocking off my arrow nocks and constantly shooting holes in my fletching. I decided to move back to 45 to 50 yards and I'm holding a soft ball size pattern but I know I'll get better as I shoot. This sight gives me confidence in myself and my shooting. I'm very impressed with the consistent accuracy and the tight groups I shoot with your sight. Thanks for introducing your sight to me. It's great! *Doug Nelson - Beebe, Illinois*

Got my sight on Saturday and wish I would have done this years ago. My confidence level has jumped tremendously. I got the attention of the people at the bow shop also. I will probably come see you at the show in Boston. Do you know your booth number? I will keep you updated. *Doug Goodwin*

Wow! - I changed everything at once and youse! - I'm center punching 3D target at 60 yards almost every time. I just bought a brand new BOW (last years model Bowtech Patriot). It's shipped with a whisker biscuit and a standard hunting peep. I sighted in and it shot fine - but the ?? peep would be blocked by the string about half the time - I hated it. I ordered the peep eliminator - nothing fancy just the basic unit. I installed the peep eliminator and a new drop away rest at the same time - I was as careful as I could get with sight lunging clearances etc. I went to shoot the bow for the first time - I got close enough to my target so I wouldn't total my arrows - I looked at the alignment of a 10 yard shot - kind of extrapolated to 20 - made an adjustment for 30 yards. My first six arrow were tightly grouped 5 inches high. I adjusted my pins and bam! Center punched. My bow is so fast that I tried to set a 45 yard pin but because of the small distance between the peep eliminator and my pins the next setting I could make was 55 yards - so I extended my second pin a little and bam! Center punched 60 yards. My bottom pin has nice separating for 75 yards and I did OK

at 70 and 75 but I might not be good enough to get 6 out of 6 in the kill at those distances. Needless to say - if you are a bow hunter and your application distance is from 20 to 65 yards - you are an idiot if you are not shooting with the peep eliminator. Shoot I want to buy a piece of the company - when this develops critical mass you guys won't be able to keep the sight in stock. BTW - Thank you.

Use away - I am so pleased that the peep Eliminator works as well (if not better) than advertised. I say better because of the psychological treat it is to shoot so well. My patterns are tighter than they have ever been and the squiting is over - I'm an eye glass shooter and the whole process of shooting is easier and more enjoyable. You still have to understand distances but, the process steps that follow are so slick - its almost not fair to the peep shooters. *Randy Frederick*

I purchased one of your rifle sights 6 months ago and I needed to say Thanks!. I have tried everything I could get my hands on to try and eliminate my peep sight and still be accurate, but was never satisfied. You have done it with this bow rifle sight. I would not give this sight up for anything. It does everything you say it does. It makes you maintain the same form everytime which has my accuracy better than ever. It works perfectly in a treestand even know I sighted it on level ground, and my field of view could not be better. I am 110% satisfied with my sight. *Jason - Southern Ohio Deer Hunter*

I just wanted to thank you for this great sight. It took me a little time to get acustomed to it switching from a peep - all I can say is WOW! and I love it. It helped my form as well as solve some recurring peep issues. Thanks a lot. *Dave Swachamer*

I talked to you on the phone and told you my wife works 2nd shift and she had the credit card, but you trusted me enough and sent me the sight anyway. There should be more people in the world like you.

Anyway, you will not be getting this sight back -- "I love it." It is just like shooting my Marlin Guide Rifle with open sights.

It is much easier to see and quicker with my 64-year-old eyes.

Thank you again.

Richard McCoury - Pennsylvania

SHOOT EARLIER ♦ SHOOT LATER ♦ SHOOT QUICKER ♦ SHOOT BETTER

SHOOT EARLIER ♦ SHOOT LATER ♦ SHOOT QUICKER ♦ SHOOT BETTER

Peep Eliminator User Testimonials

I recently installed on of these amazing rifle sights on my Matthews compound bow. I was skeptical at first because I was shooting a Cobra pendulum and I didn't know how it was going to shoot at first, but I slowed the pendulum down where it wouldn't fall so fast and I was shooting groups at 20 yards! The following day I went to my local bow range and I was shooting groups at 40 yards out of an elevated stand with a pendulum which is only supposed to shoot 30. I didn't know at first how I was going to shoot, because I have been shooting with a peep sight ever since I started shooting years ago. I have learned that without it I have increased my accuracy by 20 yards. I have experimented with many different sights and I found out this is by far the best and probably the last sight I will ever purchase for my bow. I love the fact that I can hunt earlier and stay out later which will better my odds of shooting a trophy deer year after year! **THANKS FOR A GREAT PRODUCT!!!** I will be sending you some pictures soon.

Brad Snyder - New Baden, IL

I received your sight and mounted it on my bow. Getting shots "on the paper" following your instructions was fairly easy, but zeroing in the sights has been a challenge. The slightest movement of the sight effects a 3"-4" shift in impact point.

Nevertheless, I am amazed at how much better my groups are and how quickly I can acquire the target and align the shot. For me, this sight is far superior to either string peeps I have used in the past. I had a shot at another pig last Saturday near dark, and the illuminator on your sight worked great. However, my front pin was not illuminated, and I grazed the neck of the animal at close range. I've now added an illuminated pin, so "God help them now".

My 23 year old son picked up my PSE bow last Sunday and shot two 5-shot, 3" groups at 20 yards using your sight, and the bow isn't even tuned for him. He backed up to 35 yards and did about as well. We are sold on your product, and I want to purchase another sight and illuminator for his Hoyt.

Best wishes with your great product!

Gene D. Schroder - Houston, Texas

I just wanted to let you know that I received my new sight yesterday just like you promised. I set it up as you instructed, a little reluctant to remove the peep, nonetheless I did. Must be my form is fairly consistent because that baby just comes right into view without any body contortions.

Somewhat when sighting it from 20 thru 40 yards I see my same (green) pin and I'm on the paper thru that whole range, I like that. When I put the second pin in, it was almost touching the first, so when I shoot 40 yards I just have to see all of the green and a piece of the second one.

Seems like I'm babbling, but I love it. I bought a cardboard deer target and all the shots were kill shots, but I can't roast cardboard, so I'm anxious to put that green pin on a real deer and release. My confidence level is improved 100 percent. I'll keep you posted. Thanks again.

Doug - New York



copper john sight. I just wanted to say thanks for such a great product.

S. Myers - Ohio

Hi Melvin, I love the sight and recently harvested a doe with it. I am

still trying to find the buck I spotted the first night out sooner or later. As fast as the sight's pros and cons. The only bad thing is not the sight, it's the person that has put it on trying to make it complicated. They need to understand that the sight is aligned with the eye and should be set for that - after that leave it alone and adjust the front sight only to zero in. I felt it was simple to install and just as easy to set for my shooting comfort it also helps me to shoot consistently. I quickly learned that if I didn't want to wreck arrows I needed to pick different spots to shoot at on the targets or I would ruin either the flechings or the arrows themselves by robin hooding them it's made me that consistent in shooting. A friend of mine also purchased one of these sights at the show in Oshkosh and he love's it also and states that his consistency is great also.

Ashley Stevens - Wisconsin

I recently bought your sight at a hunting expo in Beaumont, TX. I just wanted to let you know I am highly impressed with it. I was shooting pretty good with my conventional peep sight, but it doesn't compare to this. Thanks for the great invention.

Texas



*Pictures provided by
peep eliminator users &
happy bow hunter
Shane Wellmann.*



Hi Melvin,

I have been using the compound bow rifle sight for 3 years now and I would not bow hunt without it. I have improved my consistent accuracy and self confidence tremendously. I'm much quicker on target, when I come to my anchor point my pin is right there dead center of the V notch, low light shooting conditions are gone. This sight is unbelievable. In 2000 I killed a 10 point 187 lb. field dressed buck and this year I killed an 11 point 210 lb. field dressed buck. I have enclosed some pictures. Thanks for this wonderful sight, I love it. *Shane Wellmann*

Dear Deien,

I recently purchased your rifle alignment sight and I am very pleased at the results of my increased accuracy. I have improved by 90% since my purchase. I wear bifocal glasses and it is hard to adjust to a peep rear sight. After installing the Rifle Rear Alignment rear sight I am hitting the bull at 50 - 60 yards in the red. I hope to improve to a 3 inch circle at that distance. I have tried three finger shooting and the sting release. I seem to have better control using the three finger method so far. After I get my new release tuned in I will have it like I think. Again, Thank you for a wonderful product. *Sincerely - Willis Melms, Florida*

SHOOT EARLIER ♦ SHOOT LATER ♦ SHOOT QUICKER ♦ SHOOT BETTER

SHOOT EARLIER ♦ SHOOT LATER ♦ SHOOT QUICKER ♦ SHOOT BETTER

Field Test Report By Jeff G. Phillips

www.fastestbows.com • Broken Arrow, Oklahoma

The peep eliminator type sights aren't really an alternative; they're a solution and a huge gift to the sport of archery.

The Compound Bow Rifle Alignment Sight is no exception.

I've been testing this sight system on a Whisper Creek Bow this summer and it works great. It's very accurate out to extreme distances, and it's easy to install.

The Compound Bow Rifle Alignment Sight is to be used a bit different from other peep-eliminator sights. Instead of using a consistent anchor point and aligning the rear sight with the same pin for every shot, no matter what the range is, you actually move your anchor point lower to align the rear sight with pins for greater distances.

If you don't like the idea of changing anchor points, don't worry; I've played around the sight enough to figure out a simple solution. No matter how many pins you shoot, all you have to do is set the rear rifle sight to align with the bottom pin. When you draw on your target, all you have to do is align the rear sight with the bottom pin and then move the correct pin for the given distance onto your target. It's that simple.

The Compound Bow Rifle Alignment Sight has a lot of advantages. It will eliminate bad shooting form and make you shoot the same way every time. If you happen to change your form after you've set the sight, the front and rear sight won't align correctly with your eye.

This sight also works great in low light conditions. You see everything surrounding the sight because there's no small peep hole to look through. You can even add an optional light kit to brighten the embedded fibers in the Compound Bow Rifle Sight.

Give one a try; you won't be sorry you did.



SHOOT EARLIER ♦ SHOOT LATER ♦ SHOOT QUICKER ♦ SHOOT BETTER

EXHIBIT C

Melvin & Janet Deien

From: "S. Myers" <nettech@suite224.net>
To: <deien@papadocs.com>
Sent: Sunday, September 19, 2004 9:31 PM
Subject: Great Product

I have just one word to describe your compound bow rifle sight - **AWESOME!** I received my compound bow rifle sight and within 40 min. I had it installed, sighted in, and shooting 2 to 3 inch groups at 20 yards. The extended mounting bracket and optional light are great improvements especially with a copper john sight. I just wanted to say thanks for such a great product.

10/1/2004

deien

From: "S.Myers" <nettech@suite224.net>
To: <deien@sbcglobal.net>
Sent: Friday, February 04, 2005 11:00 AM
Attach: DVC00011.JPG; DVC00009.JPG
Subject: double

I purchased your sight before bow season last year and hunted with it all season long. On the next to last day of the season I scored on these two whitetails only 20 minutes apart from the same stand. Thanks for a great product.

Scott Myers
Sheffield, Ohio
January 30, 2005





Blind Archer



Archer & his Spotter

I talked to Cameron's spotter today and he told me that in fact Cameron did shoot his antelope using your sight. The shot was about 39 yards and they double lunged him. he went about another 80 yards before he piled up. It sounds like your sight might be just the ticket. Please send me your address and I'll see if I can get you some pictures. If I don't get it done pretty soon it might be a couple of weeks because I leave on my moose hunt Sunday. Thanks for all your help I know that Cameron really appreciates it.

Sincerely,m
Drew McCartney

Melvin & Janet Deien

From: <drdean4u2@famvid.com>
To: <DEIEN@PAPADOCS.COM>
Sent: Thursday, September 30, 2004 6:47 AM
Attach: unnamed.txt; unnamed.htm; File0001.jpg; File0002.jpg; File0003.jpg
Subject: Fwd: Pictures

MELVIN
HERE ARE SOME PICTURES OF CAMERON AND THE ANTELOPE HE SHOT IN WYOMING. HE
WILL
SEND THE STORY SOON. THE SIGHT WORKS GREAT! I ALWAYS HAD TROUBLE SIGHTING
HIM
WITH HIS OLD SIGHT, BUT THIS ONE WE ARE DEAD ON. SKIP IS THE OTHER PERSON IN
THE PICTURES HE ACTUALLY SIGHTED FOR CAMERON IN WYOMING. THANKS AGAIN

Melvin & Janet Deien

From: "rob kinney" <rkkinney11@cox.net>
To: "Melvin & Janet Deien" <deien@papadocs.com>
Sent: Friday, October 22, 2004 4:10 AM
Subject: testimonial for peep eliminator

my name is rob kinney and i have been fortunate to be asked and picked to try a new product now and then. this time i think i was the lucky one as the song goes, when i first talked to melvin about his invention the peep eliminator.

i have tried the no peep and the hindsight and with both of them i couldn't do what i needed to do to be as consistant as with the peep i was using but also know what it's like to lose the peep and turn sideways during a shot at a deer or a hog and like most i tend to get very upset when that does happen. you lose both the shot and your animal.

well i have shot the peep eliminator and using it along with my drawloc since i am unable to use the bow in the normal way due to injury and the subsequent operations i have had to go thru on my shoulders and the spine surgery to remove 4 of my cervical vertebra. the pep eliminator to me is the first of the no peep type equipment that has made it easy for me to switch out and continue to shoot it today. if your looking for a unique sighting system and most of us are used to open sights on our guns your going to like the peep eliminator. it is so easy to set up and melvin let's you know to keep your peep in the string until you figure out your anchor point and just a slight move up or down you can go from 10 to 40 yards in just blink of the eye. the light that is one of the models is an excellent light that helps during low light conditions and makes it easy to shoot with both eyes open.

can't wait to see what happens this bow season when i am able to put the draw loc to use and the peep eliminator on my bow. i think if your looking for something that is consistant and easy to use give the peep eliminator a try and i think you will see how easy it is to make the system work and how much easier it is to improve your accuracy with the eliminator as well.

i am hoping before long i will be out there shooting my bow and putting the eliminator to full use and not having to worry about peep twist or low light conditions

thank you for such a great product and i think if given a good chance to use it you will see why myself and others are so excited about the peep eliminator and how helpful melvin is as well as being a great person overall

thank you
rob kinney
yukon oklahoma

Melvin & Janet Deien

From: "Steve Boase" <seb@goetting.com>
To: <deien@papadocs.com>
Sent: Monday, August 23, 2004 8:02 AM
Subject: Compound Bow Rifle Sight Testimonial

Dear Melvin:

I am using a Matthews MQ-32 with Compound Bow Rifle Sight to shoot game and targets at 20, 30 & 40 yards. I use one pin for 20 yards and one other for 40 yards. Advantages of the Compound Bow Rifle Sight over the peep site:

1. Better consistency in shooting; arrows stay in the killing circle.
2. Faster to aim a rifle sight than to look through a peep sight.
3. Shooting hogs at dawn & dusk is much easier with lighted front and rear fiber optic pins.
4. Lower maintenance; peep sights have to be moved as the bowstring ages.

Sincerely,

Steve Boase

<<Steve&Hog_070504.jpg>>

I have killed 2 hogs recently with my new peep eliminator.
Could have killed more but my wife will not let me put any more meat in the freezer!
She says there is no room for the groceries.
Thanks!

Steve Boase

Melvin & Janet Deien

From: "DOUG VACANTI" <TIGER13@FRONTIERNET.NET>
To: "Melvin & Janet Deien" <deien@papadocs.com>
Sent: Tuesday, November 23, 2004 12:28 PM
Subject: new sight

Mel,

I just wanted to let you know that I received my new sight yesterday, just like you promised. I set it up as you instructed, a little reluctant to remove the peep, nonetheless I did. Must be my form is fairly constant because that baby just comes right into view without any body contortions.

Somehow when sighting in from 20 thru 40 yards I see my same (green) pin and I'm on the paper thru that whole range, I like that. When I put the second pin in, it was almost touching the first, so when I shoot 40 yards I just have to see all of the green and a piece of the second one.

Seems like I'm babbling, but I love it. I bought a cardboard deer target and all the shots were kill shots, but I can't roast cardboard, so I'm anxious to put that green pin on a real deer and release. My confidence level is improved 100 percent. I'll keep you posted. Thanks again.

Doug

p.s. Happy Thanksgiving

June 24, 2004

Mr. Melvin J. Deien
1004 S. Walnut Street
Breese, IL 62230

Dear Melvin,

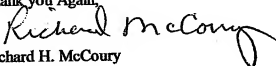
I talked to you on the phone and told you my wife works 2nd shift and she had the credit card, but you trusted me enough and send me the sight anyway. There should be more people in the world like you.

Anyway, you will not be getting this sight back—"I love it". It is just like shooting my Marlin Guide Rifle with open sights.

It is much easier to see and quicker with my 64 year old eyes.

Enclosed is my check for \$58.45.

Thank you Again,


Richard H. McCoury

Melvin & Janet Deien

From: "Christina" <cmg@charter.net>
To: <websdotcom@hotmail.com>; <deien@papadocs.com>
Sent: Saturday, October 23, 2004 11:49 PM
Subject: Brad Snyder's Testimonial

I recently installed one of these amazing rifle sights on my Matthews compound bow. I was skeptical at first because I was shooting a Cobra pendulum and I didn't know how it was going to shoot at first, but I slowed the pendulum down where it wouldn't fall so fast and I was shooting groups at 20 yards! The following day I went to my local bow range and I was shooting groups at 40 yards out of a elevated stand with a pendulum which is only suppose to shoot 30. I didn't know at first how I was going to shoot, because I have been shooting with a peep sight ever since I started shooting years ago. I have learned that with out it I have increased my accuracy by 20 yards. I have experimented with many different sights and I found out this is by far the best and probably the last sight I will ever purchase for my bow. I love the fact that I can hunt earlier and stay out later which will better my odds of shooting a trophy deer year after year!

THANKS FOR A GREAT PRODUCT !!! I will be sending you some pictures soon.



Melvin & Janet Deien

From: "Melvin & Janet Deien" <deien@papadocs.com>
To: "S.Myers" <nettech@suite224.net>
Sent: Sunday, September 19, 2004 10:32 PM
Subject: Re: Great Product

Scott

----- Original Message -----

From: S.Myers
To: deien@papadocs.com
Sent: Sunday, September 19, 2004 9:31 PM
Subject: Great Product

I have just one word to describe your compound bow rifle sight - AWSOME! I received my compound bow rifle sight and within 40 min. I had it installed, sighted in, and shooting 2 to 3 inch groups at 20 yards. The extended mounting bracket and optional light are great improvements especially with a copper john sight. I just wanted to say thanks for such a great product.

— Original Message —

From: Ashley Stevens
To: Melvin & Janet Deien
Sent: Wednesday, October 29, 2003 9:06 AM
Subject: Re: Thank you

Hi Melvin, I love the site and recently harvested a doe with it. I am still trying to find the buck I spotted the first night out sooner or later. As far as the sight's pro's and con's. The only bad thing is not the sight it's the person that has it on trying to make it to complicated. they need to understand that the site is aligned with the eye and should be set for that after that leave it alone and adjust the front sight only to zero in. I felt it was simple to install and just as easy to set for my shooting comfort it also helps me to shoot consistently I quickly learned that if I didn't want to wreck arrows I needed to pick different spots to shoot at on the targets or I would ruin either the flechings or the arrows themselves by robin hooding them it's made me that consistent in shooting. A friend of mine also purchased one of these sight's at the show in Oshkosh and he love's it also and states that his consistency is great also.

— Original Message —

From: Melvin & Janet Deien
To: Ashley Stevens
Sent: Wednesday, October 29, 2003 8:02 AM
Subject: Re: Thank you

From: Ashley Stevens
To: Melvin & Janet Deien
Sent: Monday, November 24, 2003 10:26 AM
Subject: Re: Thank you

Since we are planning a hunt in Canada for Caribou I am pushing my shot's out to sixty yards as well. I am defiantly sold on the fact that without this site it wouldn't be even possible to be accurate and consistent at that yardage without it.

I can also tell you I wouldn't give this site up for the world. We are in the process of getting our shows together and I will be sending you a promo CD as soon as it's done. The name of the show will be "Hunting" America's Legacy.

Melvin & Janet Deien

From: <WranglerNo9@aol.com>
To: <deien@papadocs.com>
Sent: Wednesday, August 06, 2003 4:23 PM
Subject: peep eliminator

I recently bought ur sight at a hunting expo in Beaumont, Tx. I just wanted to let u know i am highly impressed with it. I was shooting pretty good with my conventional peep sight, but it doesnt compare to this. Thanks for the great invention.

deien

From: "David Swackhamer" <DSwackhamer@msn.com>
To: <deien@papadocs.com>
Sent: Friday, April 29, 2005 8:46 PM
Subject: sight

I just wanted to thank you for this great sight. it took a little time to get acustome to it switching from a peep . all I can say is WOW ! & I love it. it helped my form aswell as solve some reacuring peep issues
thanks a lot DAVE SWACKHAMER

Page 1 of 1

deien

From: "David Swackhamer" <DSwackhamer@msn.com>
To: "Melvin & Janet Deien" <deien@papadocs.com>
Sent: Monday, May 02, 2005 5:14 PM
Subject: Re: sight

Mel you can gladly use my comment's but you might want to check over my spelling . I have suggested you're sight to two fellow shooters already all I can add is seeing is believing I did some practicing at dusk yesterday ! unbelievable!! thank you again. DAVE SWACKHAMER Schnecksville P.A.

Melvin & Janet Deien

From: "+ACI-Schroder, Gene+ACI-" <GSchroder@sph.uth.tmc.edu>
To: <delen@papdocs.com>
Sent: Wednesday, November 12, 2003 2:54 PM
Subject: Bow sight

Melvin,

I received your sight and mounted it on my bow. Getting shots "on the paper" following your instructions was fairly easy, but zeroing in the sights has been a challenge. The slightest movement of the sight effects a 3"-4" shift in impact point.

Nevertheless, I am amazed at how much better my groups are and how quickly I can acquire the target and align the shot. For me, this sight is far superior to either string peeps I have used in the past. I had a shot at another pig last Saturday near dark, and the illuminator on your sight worked great. However, my front pin was not illuminated, and I grazed the neck of the animal at close range. I've now added an illuminated pin, so "God help them now".

My 23 year old son picked up my PSE bow last Sunday and shot two 5-shot, 3" groups at 20 yards using your sight, and the bow isn't even tuned for him. He backed up to 35 yards and did about as well. We are sold on your product, and I want to purchase another sight and illuminator for his Hoyt.

Best wishes with your great product!

- gs

Gene D. Schroder
Associate Dean for Outreach Programs
UT-Houston School of Public Health
(713) 500-9224

11/2/2004

deien

From: "WILLIS MCLAWS" <wlmclaws27@earthlink.net>
To: <deien@sbcglobal.net>
Sent: Saturday, March 12, 2005 7:50 PM
Subject: Rifle Alignment sight

Dear Deien

I recently purchased your rifle alignment sight and I am very pleased at the results of my increased accuracy. I have improved by 90% since my purchase. I wear bifocal glasses and it is hard to adjust to a peep rear sight. After installing the Rifle rear Alignment rear sight I am hitting the bull at 50 - sixty yards in the red. I hope to improve to a 3 inch circle at that distance. I have tried three finger shooting and the sting release. I seem to have better control using the three finger method so far. After I get my new release tuned in I will have it like I think. Again, Thank you for a wonderful product.

Sincerely

WILLIS MCLAWS
wlmclaws27@earthlink.net
EarthLink Revolves Around You.

239-275-4576 or 239-851-5715

FLORIDA

deien

From: "Jason Bailey" <magnus3rd@hotmail.com>
To: <deien@sbcglobal.net>
Sent: Wednesday, April 20, 2005 5:41 PM
Subject: Thank you so much!

I purchased one of your rifle sights 6 months ago and I needed to say thanks. I have tried everything I could get my hands on to try to eliminate my peep sight and still be accurate, but was never satisfied. You have done it with this bow rifle sight. I would not give this sight up for anything. It does everything you say it does. It makes you maintain the same form everytime which has my accuracy better than ever. It works perfectly in a treestand even know I sighted it in on level ground, and my field of view could not be better. I am 110% satisfied with my sight.

Thank you Sincerely,
Jason
Southern Ohio Deer Hunter

Dear Melvin,

I have been shooting archery and bow hunting for over 16 years. I have used numerous sights since then but nothing can compare to the consistent accuracy of your Compound Bow Rifle Sight that I purchased about 5 months ago. After I installed the Compound Bow Rifle Sight it took me about 30 minutes to sight it in. I no longer need the kissers button or the peep sight. After I shot it for a while I was holding a pattern the size of a golf ball and getting better every day I shot. I Robin Hooded my first arrow ever, at 18 yards. Now at 30 yards I'm knocking off my arrow nocks and constantly shooting holes in my fletchings. I decided to move back to 45 and 50 yards and I'm holding a soft ball size pattern but I know I'll get better as I shoot. This sight gives me confidence in myself and my shooting. I'm very impressed with the consistent accuracy and the tight groups I shoot with your sight. Thanks for introducing your sight to me. It's great!

Doug Nelson
Breese, IL.

Melvin & Janet Deien

From: <Jasonhrdtk@aol.com>
To: <deien@papadocs.com>
Sent: Wednesday, April 23, 2003 8:33 PM
Subject: [SPAM] ~COMPOUND BOW RIFLE SIGHT~ Attn. MELVIN DEIEN

HELLO MELVIN DEIEN,

MY NAME IS JASON HARDTKE, I'M FROM DUBUQUE, IOWA!
MY FATHER (FRED HARDTKE) AND I BOTH PURCHASED ONE OF YOUR ~COMPOUND BOW RIFLE ALIGNMENT SIGHTS~ AT A DEER&TURKEY EXPO, IN MADISON, WISCONSIN ON APRIL 6th, 2003!

AND I JUST WANTED YOU TO KNOW HOW MUCH BETTER WE SHOOT WITH THESE SIGHTS FOR ARE BOWS! I SHOOT STRAIGHT NOW, INSTEAD OF SIDE TO SIDE, AND MY FATHER SHOOT 100% BETTER WITH THIS SITE!

INSTALLING IT, WASNT TO BAD, WE BOTH WENT TO THE BOW DEALER HERE IN DUBUQUE, IOWA! AND IT TOOK ABOUT 15mins., TO INSTALL, AND TO GET IT TUNED IN!

THE LAST 2 WEEKS WE BOTH HAVE BEEN SHOOTING ARE BOWS, IT TOOK AWHILE FOR US TO GET USE TO, WITH NO PEEP SIGHT OR KISSER BUTTON, AND HAVING A NEW ANCHOR POINTS, BUT NOW WE ARE BOTH SHOOTING WITH IN A 4" CIRCLE!

I JUST WANTED TO TAKE A MOMENT OF YOUR TIME, TO "THANK YOU", FOR STOPPING US THAT DAY AT THE EXPO! THIS SITE IS THE BEST, IT REALLY TUNED US IN FOR SHOOTING AT 3D-TARGETS AND HOPEFULLY SOMEDAY AT A "BIG BUCK"!!!!

THANKS AGAIN FOR YOUR TIME, COOPERATION AND FOR INVENTING THIS SITE!!!

~THANKS AGAIN MELVIN, AND WE BOTH APPRECIATE IT!!

~JAYSON HARDTKE & FRED HARDTKE JR.~
DUBUQUE, IOWA

Melvin & Janet Deien

From: <Jasonhrtk@aol.com>
To: <deien@papadocs.com>
Sent: Tuesday, May 20, 2003 11:54 PM
Subject: Re: [SPAM] ~COMPOUND BOW RIFLE SIGHT~ Attn. MELVIN DEIEN

HELLO MELVIN DEIEN,

YES MELVIN, YOU CAN SHARE ARE COMMENTS WITH OTHER BOW SHOOTERS THAT ARE HAVING PROMBLEMS SHOOTING!

SINCE WE GOT YOUR "COMPOUND BOW RIFLE SIGHT" WE HAVE BEEN SHOOTING AT 3-D BOW SHOOTS, (PRACTICING FOR ARE BIG BUCK MOMENT) AND NOW WE ARE SCORING IN THE 400's OUT OF 500 POINTS! WE HAVE BEEN TO 4 3-D BOW SHOOTS SO FAR WITH 50 TARGETS! ITS GREAT PRACTICE FOR US, SINCE WE HAD TO CHANGE ARE SHOOTING WAYS, BUT IT WAS WORTH IT AND THIS SITE IS THE BEST OUT THERE, IT WILL MAKE YOU SHOOT BETTER!!!

~THANKS AGAIN MELVIN FOR YOUR TIME & COOPERATION~
JASON HARDTKE & FRED HARDTKE

deien

From: "Rudy & Liana Coetzee" <liaca@nwweb.co.za>
To: "Mel PE" <deien@sbcglobal.net>
Sent: Tuesday, August 30, 2005 12:01 AM
Attach: 0604105824.AVI; Euro wild boar.bmp; Impala.bmp
Subject: some more pic

Mel, We hope that your son is ok and that he will be home soon.

The two pic,s is also of impact shots, but it is not so clear ,so I have marked it. The vid is only 2 sec ,but if you can slow it down you can see the incredible reaction time of the ward hog.

There is some DVD,s available from SA hunt,s witch is excellent.AS soon as I can put mine on a DVD I will send it to you.

The sight is working better every day, will not shoot with out it In two week's time we are having a night hunt for bush pig,s (really dangerous - a hog with a real bad temper)

Keep you posted.



deien

From: "Rudy & Liana Coetzee" <liaca@rmweb.co.za>
To: "Mel PE" <deien@sbcglobal.net>
Sent: Monday, August 29, 2005 1:06 AM
Attach: DV00023.bmp
Subject: Hunt and pic

Good day Mel, or is it very early morning.

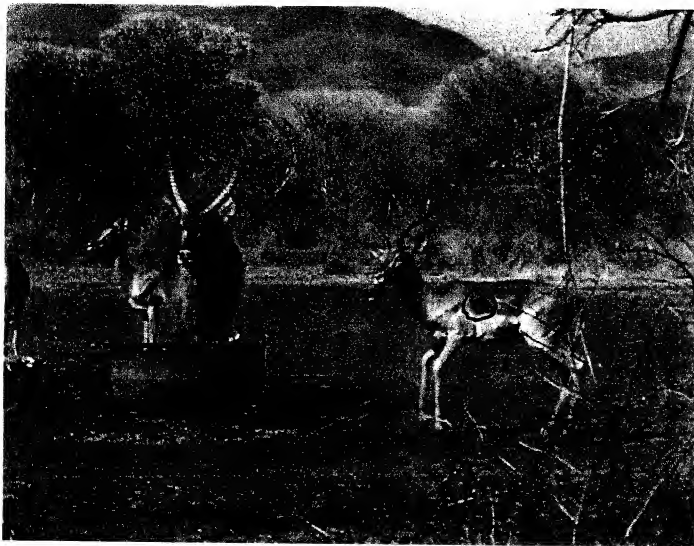
I still have to put all my video on cd. Here is a pic of an Impala ram (shot with your Peep Elim)

The pic was take at the moment of impact at 18 yrd (440 grn at 290 ft/sec) .

Will send some more later.

pls tell me if it takes to long to down load the I will send you a cd.

Rudy




9/1/2005

Melvin & Janet Deien

From: "Christina" <cmg@charter.net>
To: <websdotcom@hotmail.com>; <deien@papadocs.com>
Sent: Saturday, October 23, 2004 11:49 PM
Subject: Brad Snyder's Testimonial

I recently installed one of these amazing rifle sights on my Matthews compound bow. I was skeptical at first because I was shooting a Cobra pendulum and I didn't know how it was going to shoot at first, but I slowed the pendulum down where it wouldn't fall so fast and I was shooting groups at 20 yards! The following day I went to my local bow range and I was shooting groups at 40 yards out of an elevated stand with a pendulum which is only suppose to shoot 30. I didn't know at first how I was going to shoot, because I have been shooting with a peep sight ever since I started shooting years ago. I have learned that with out it I have increased my accuracy by 20 yards. I have experimented with many different sights and I found out this is by far the best and probably the last sight I will ever purchase for my bow. I love the fact that I can hunt earlier and stay out later which will better my odds of shooting a trophy deer year after year!

THANKS FOR A GREAT PRODUCT !!! I will be sending you some pictures soon.



*Brad Snyder
New Baden, IL*

deien

From: "Frederick, Randy" <Randy.Frederick@boeing.com>
To: <deien@sbcglobal.net>
Sent: Monday, August 15, 2005 4:50 PM
Subject: Fricking fantastic!

Wow! - I changed everything at once and yousa! - I'm center punching 3d target at 60 yards almost every time. I just bought a brand new BOW (last years model Bowtech Patriot). It shipped with a whisker biscuit and a standard hunting peep. I sighted in and it shot fine - but the damn peep would be blocked by the string about half the time - I hated it. I ordered the peep eliminator - nothing fancy just the basic unit. I installed the peep eliminator and a new drop away rest at the same time - I was as careful as I could get with sight tuning clearances etc. I went to shoot the bow for the first time - I got close enough to my target so I wouldn't total my arrows - I looked at the alignment of a 10 yard shot - kind of extrapolated to 20 - made an adjustment for 30 yards. My first six arrow were tightly grouped 5 inches high. I adjusted my pins and bam! Center punched. My bow is sow fast that I tried to set a 45 yard pin but because of the small distance between the peep eliminator and my pins the next setting I could make was 55 yards - so I extended my second pin a little and bam! Center punched 60 yards. My bottom pin has nice separation for 75 yards and I did OK at 70 and 75 but I might not be good enough to get 6 out of 6 in the kill at those distances. Needless to say - if you are a bow hunter and your application distance is from 20 to 65 yards - you are an idiot if you are not shooting with the peep eliminator. Shoot I want to buy a piece of the company - when this develops critical mass you guys wont be able to keep the sight in stock.

BTW - Thank you

Randy Frederick

Page 1 of 2

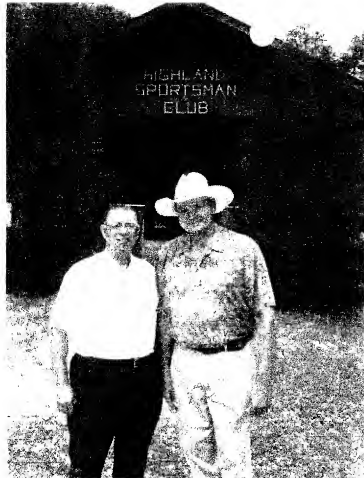
deien

From: "Frederick, Randy" <Randy.Frederick@boeing.com>
To: "deien" <deien@sbcglobal.net>
Sent: Tuesday, August 16, 2005 9:10 AM
Subject: RE: Fricking fantastic!

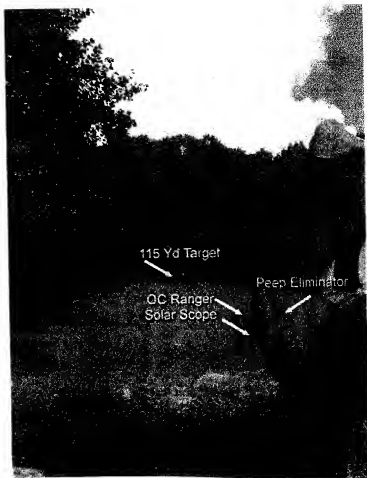
Mel,

Use away - I am so pleased that the peep Eliminator works as well (if not better) than advertised. I say better because of the psychological treat it is to shoot so well. My patterns are tighter than they have ever been and the squinting is over - I'm an eye glass shooter and the whole process of shooting is easier and more enjoyable. You still have to understand distances but, the process steps that follow are so slick - its almost not fair to the peep shooters.

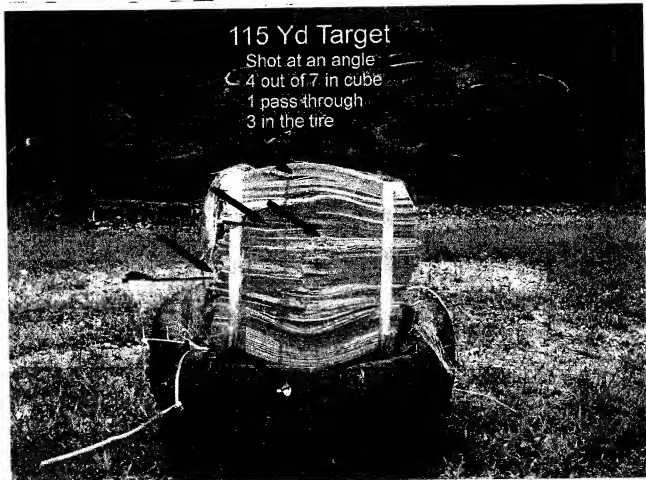
Thanks Again,
 Randy Frederick



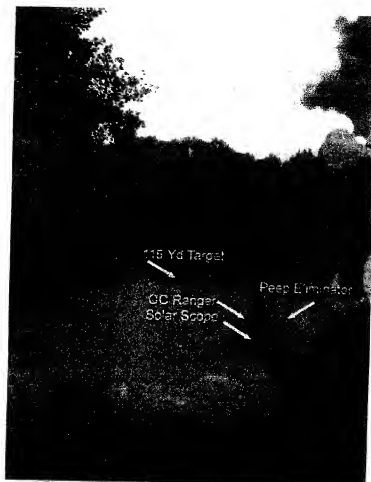
Melvin Deien and Mr. David Crockett



Mr. Crockett started shooting this January 2005



These Pictures were
Taken of Mr. David
Crockett, Chattanooga
TN. He is a retired
Service man and started
Shooting this Jan.
2005. Not bad for a
beginner.



Page 3 of 6



Field Tester Jeff G. Phillips, Broken Arrow, OK

I've been testing The Compound Bow Rifle Sight this summer and it works great. It's very accurate out to extreme distances, and it's easy to install. This sight works great in low light conditions. You see everything surrounding the sight because there is no small hole to look through.

The Compound Bow Rifle Alignment Sight is used a bit different from other peep-eliminator sights. Instead of using a consistent anchor point and aligning the rear sight with the same pin for every shot, no matter what the range is, you actually move your anchor point lower to align the rear sight with pins for greater distances.

If you don't like the idea of changing anchor points, don't worry. No matter how many pins you shoot, all you have to do is set the rear rifle sight to align with the bottom pin. When you draw on your target, all you have to do is align the rear sight with the bottom pin and then move the correct pin for the given distance onto your target. It's that simple.

Give one a try; you won't be sorry you did.

See www.peepeliminator.com. E-mail dejen@papadocs.com, Ph 618-526-4427

EXHIBIT D



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by Jeff G. Phillips
FastestBows.com



Peep Eliminator: Compound Bow Rifle Alignment Sight

Over the past few years, peep sights have slipped in the bow hunter popularity polls. How is that possible? After all, peep sights are very inexpensive, they work great during practice and they pull arrow groups in tighter. So what's the problem?

Ask any seasoned bow hunter, who shoots a peep sight, if they've ever had a problem with their peep. I'd venture to say that 99 out of a 100 would say, "Yes, I have. I was hunting in Pike county back in 1999 ..."

The story will likely continue on about how he missed some big buck after his peep sight failed.

Nearly everything in this world that has a list of advantages, also has its disadvantages; the peep sight is no exception.

Has your peep ever failed to rotate correctly to where you can see through it? Has it ever moved up or down the string so that it doesn't align correctly with your eye and the sight? How about during low light conditions? Can you see through your peep good enough for good shot placement when there isn't much light?

Of course, any bow accessory and including the bow itself can fail at any given time, but if you had the opportunity to eliminate a point of failure that is quite common, wouldn't you take that opportunity?

Out of the 3 million bow hunters in the U.S., only a small percentage have taken advantage of eliminating the peep sight point of failure. I believe this is mainly due to the fact that peep sight alternatives haven't been around all that long and people just don't know about them. Another theory I have is that people new to the sport of archery have yet to be bitten by the peep sight curse. Their time is coming, without a doubt. Nearly all the hunters I know that use a peep sight alternative, are seasoned archers.



Peep Eliminator: Compound Bow Rifle Alignment Sight



1. BowTech BK2
2. Mathews Black 1 Turbo
3. BowTech Pro40 Dually
4. BowTech Patriot Dually
5. BowTech Extren VFT

Complete Lis



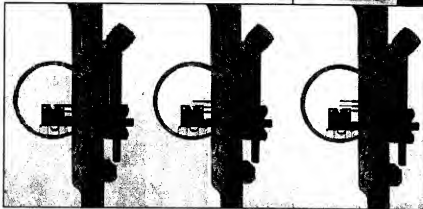
Turbo Nocks replace arrow's fletching at nock with a one-piece solution. And, they be shot through a Whisker Biscuit. More ...



Though I've been saying "peep sight alternative," peep eliminator type sights aren't really an alternative; they're a solution and a huge gift to the sport of archery.

The Compound Bow Rifle Alignment Sight is no exception.

I've been testing this sight system on a Whisper Creek bow this summer and it works great. It's very accurate out to extreme distances, and it's easy to install.



the
it option

The Compound Bow Rifle Alignment Sight is to be used a bit different from other peep-eliminator sights. Instead of using a consistent anchor point and aligning the rear sight with the same pin for every shot, no matter what the range is, you actually move your anchor point lower to align the rear sight with pins for greater distances.

If you don't like the idea of changing anchor points, don't worry; I've played around the sight enough to figure out a simple solution. No matter how many pins you shoot, all you have to do is set the rear rifle sight to align with the bottom pin. When you draw on your target, all you have to do is align the rear sight with the bottom pin and then move the correct pin for the given distance onto your target. It's that simple.

The Compound Bow Rifle Alignment Sight has a lot of advantages. It will eliminate bad shooting form and make you shoot the same way every time. If you happen to change your form after you've set the sight, the front and rear sight won't align correctly with your eye.

This sight also works great in low light conditions. You see everything surrounding the sight because there's no small peep hole to look through. You can even add an optional light kit to brighten the embedded fibers in the Compound Bow Rifle Sight.

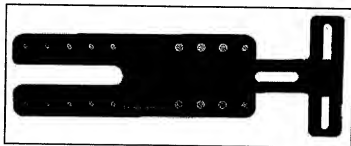
Give one a try; you won't be sorry you did.

Product Specs

- Eliminates the need for a peep sight
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- Shoots with the same consistent accuracy on level ground, hill sides, or 30 feet up in your treestand
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Compound Bow Rifle Sight Light Kit



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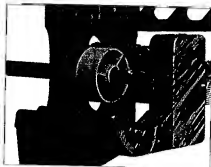
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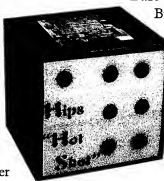
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Kwikkee Combo

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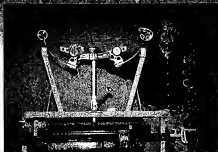
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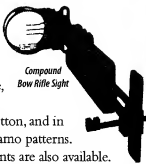
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See page 77

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- 38 **2006 Bow Lines:
Martin Trim Mass**
At a time when bow weights
have been rising, the firm
with the patent on riser
mounted dampening has
lightened popular models.

- 40 **2006 Bow Lines:
Rytera Launched**
Here's what you get when
bow designers ignore cost-
efficient manufacturing
methods in a quest to build the
ultimate compound bows.

- 42 **ATA News & Views**
Good news about NASP

- 44 **Product Focus:
Savage Vanes**
Norway's toughest ever

- 45 **Business Break:
Preparing Business Plans**
John Kasun on how to keep
your banker comfortable

- 48 **Dealer Workbench:
Setting Up Indoor Archers**
Larry Wise on the right bows and
accessories for shooting dots.

- 56 **Business Break:
Negotiating A Lease**
By Attorney David Paul Williams

- 58 **Traditional Focus:
Selling Books & Videos**
By Dale Karch and Todd Smith

- 63 **Special Purpose Carbon Shafts**
Pat Meitin reviews shafts for dangerous game & traditionalists.

- 66 **Product & Advertising Directory**

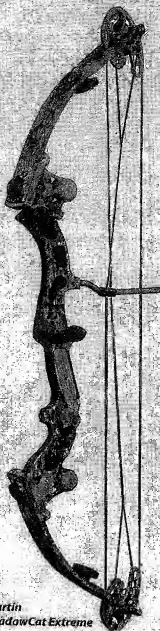
- 69 **Behind The Brand-Compound Bow Rifle Sight**

- 71 **Dealer To Dealer: Promoting Year-Round Shooting**

- 72 **Product Focus: Buzz Off From Mad Dog Gear**
No smell, no smear, no insects.

- 74 **Advertiser Information-2006 Media Kit Details**

- 76 **Dealer Bow Report:
CSS Encore II from Richwood Archery.**
Jon Silks tests the twin-cam version of the new Trinary
Articulated Cam on one of the brand's best selling risers.



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Behind The Brand

Compound Bow Rifle Sight

The advent of new 1/4 inch hunting peeps from Jim Fletcher Archery and Specialty Archery, L.L.C. this year is a reminder that hunters want it all. They want a rear sighting aid to help them maintain a consistent anchor point and to tighten their groups. At the same time, they don't want the restriction in viewing that smaller peeps necessarily entail, particularly the way they tend to darken the sight picture in low-light conditions.

An alternative approach to peeps is embodied by sights that build in a rear alignment aid like the model Melvin Deien invented and markets under the Compound Bow Rifle Sight brand name. Deien was 50 years old when he started working on the product. He'd already drilled out peep sights to brighten the sight picture, and he'd tried shooting with a kissers button instead of a peep. His first rifle sight was a crude affair fashioned from sheet metal with a flattened and filed thumb screw forming the V notch. Still, it helped him improve accuracy and eliminated the problems he had had shooting under low light conditions. Deien told ArrowTrade he continued to tinker with the product for nearly a decade, finally applying for a patent in 1999.

If you've only heard of this product in the last year, there's a reason for that. As Deien was getting ready to market it in 1999, he suffered a heart attack. A year later, the handicapped adult son he and his wife care for suffered a serious fall. The spinal cord injury meant he could no longer walk. Well-meaning folks said Deien and his wife could not provide the

24-hour care he'd need to stay at home, but they've proven them wrong. A couple years later life had settled into enough of a routine that Deien felt he could give the small business a second chance. A single ad in a bow magazine generated some sales, and it wasn't long after that that the first testimonials came in from satisfied users. They gave Deien the confidence to set up a schedule of sport shows and consumer advertising that this year includes Petersen's Bowhunting and Bowhunt America, as well as Inside Archery and ArrowTrade on the business side.

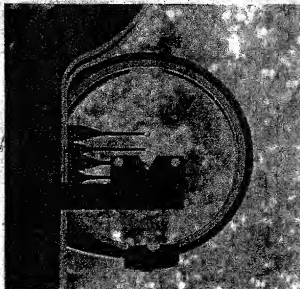
As sold today, the Compound Bow Rifle Sight "Peep Sight Eliminator" comes in two versions. The original has twin slots at front that you mount the existing sight to, and a single vertical slot at the rear that holds the square post for the rear sight. That post slides through

the slot to provide horizontal adjustment, and within the slot to give you vertical adjustment. Mounting one of these on a bow adds 3 ounces to the mass weight.

The 6 ounce Universal model we experimented with offers more leeway in how far from the riser you set the existing pin sight and the rear sight. Provided the shooter is steady enough to benefit from it, you can offer them a sighting plane up to 17 inches in length. While a hunter will probably choose a setting where the bow still slips within a case, a 3-D shooter may want it set all the way forward, removing the Rifle Sight and attached pin sight from the bow each time they need to case it. The recessed, chamfered mounting holes should bring it back to zero without any need of adjustments.

The 6-1/4 length of the Universal models gave Deien room to design in three sets of riser mounting holes, and five sets of sight mounting holes. Additionally, the T-Bar that holds the rear sight slides within the main bracket and is anchored in place by twin set screws. That gives you the option, for instance, of precisely locating the rear bar between the cables and string of a Mathews model that utilizes the Roller Guard, to give you the maximum rear positioning possible. On bows with conventional cable guards, instructions suggest a setting 1 inch in front of the cables, to prevent any contact and resultant noise at the shot.

Both Standard and Universal models utilize Truglo fiber optics flanking a V-notch rear sight, and provide a sight picture like the one at left when you combine them with a front



Part of the appeal of the Compound Bow Rifle Sight is that it allows your customer to continue using their favorite pin sight. Here the accuracy-enhancing peep sight substitute is paired with a Tru-Site Extreme Micro-Adjust sight from Truglo on the author's left-hand bow.

deien

From: <BobSex4521@aol.com>
To: <deien@sbcglobal.net>
Sent: Tuesday, April 25, 2006 6:33 PM
Subject: Peep Eliminator Feedback

Melvin J. Deien

First off let me start out by apologizing for the extensively delayed response of feedback for the requested product evaluation of the Peep Eliminator. As noted before I was waiting for Browning to send me the Illusion and I didn't received it until two weeks ago and not the predicted February date as stated previously. However, due to the warmer weather, availability of time, and delivery of the bow I was able to evaluate your product.

To say the least the Peep Eliminator is an excellent tool for archery and hunting excellence. Upon delivery I was concerned with low light shooting and ease of use with a multi-pin site. After shooting my bow with the Peep Eliminator there is clearly no use for the aged peep site. I have had difficulty with other peep site systems in the past, especially with low light conditions. The old style peep site was difficult to look through and see the site and the game all in one line of sight. The site would either be too bright and/or not bright enough. With this problematic difficulty I was in need of a new innovative alternative to compensate for a lack of light availability and ease of use without giving up dependability for extreme uses.

From the installation all the way to sighting in at a 70 yard shot I had found no problems with the Peep Eliminator. The installation of the product was clearly stated on the back of the package in the instructions. The process of getting it on my bow was as easy as any other installation process. From the installation to getting to shoot accurately took no longer than ten minutes and maybe 25 shots. I found that the allen-wrench adjustments of the peep eliminator made it easy to change in the field and also reaffirmed my confidence of a piece of equipment that will hold up to harsh hunting uses.

Along with the durability and ease of installation alternative benefits came. The benefit of no consistent anchor spot attributed to tighter more consistent shots than ever before. With the Peep Eliminator system there is only one thing to worry about and that is to line up your site with the rifle style rear Peep Eliminator site. Moreover, with the ease of the aiming ability that is contributed with the rear site alignment I feel more confident which in turn will lead to great success in and off the field. With the openness of the rear site I found that in low light conditions the Peep Eliminator is very successful. I found even without the light that the fiber optic beads on the Peep Eliminator were very receptive and allowed me to shoot later and earlier than ever before. With the acquired confidence that comes with the Peep Eliminator I am finding myself with tact driving accuracy out to 50 yards

and the ability to place shots within a pie plate out to 70 yards with little adjustment to my shot in all light conditions.

As a result of the Peep Eliminator system I have accumulated much confidence in my shot in terms of archery shooting and in all hunting situations. With the Peep Eliminator system I am comfortable saying that anyone can be successful due to the ease and utility effects of the archery hunter and/or shooter and I am proud to say that I am a Peep Eliminator user.

Thank you,

Robert Sexton

RedHead © ProStaff

If anyone has questions or concerns please email me at bobsex4521@aol.com

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	4401	
CONNECTION TEL		15712732249
CONNECTION ID		
ST. TIME	06/12 10:34	
USAGE T	04'39	
PGS. SENT	23	
RESULT	OK	

Polster, Lieder, Woodruff, & Lucchesi, L.C.

12412 Powerscourt Drive

St. Louis, Missouri 63131-3615

Telephone: (314) 238-2400 Facsimile: (314) 238-2401

Date: June 12, 2006

To: Examiner Travis Reis

Company: United States Patent and Trademark Office

Fax No.: 571-273-2249

From: Brian J. Gill

No. of Pages, Including Cover: *22 23*

Re: US SS #: 10/648,639

Comments: Dear Examiner Reis,

Attached is the agenda and draft declaration for the 6/14/06 conference. I am sending the exhibits in a separate facsimile.

Thank you,

Brian Gill

Polster, Lieder, Woodruff, & Lucchesi, L.C.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Deien, Melvin
SERIAL NO.: 10/648,639
FILED: August 26, 2003
EXAMINER: Reis
DOCKET NO.: DEIM 0000
GROUP ART UNIT: 2859
FOR: Compound Bow Rifle Sight System

I hereby certify that this correspondence is being transmitted via facsimile to Examiner T. Reis of the United States Patent and Trademark Office at (571) 273-2249.



Brian J. Gill, Reg. No. 46,727



June 12, 2006

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 12, 2006
St. Louis, Missouri

AGENDA FOR EXAMINER INTERVIEW

Sir:

In response to the non-final Office Action of January 25, 2006, the current claims presented below and the Applicant's declaration filed concurrently herewith, the Applicant presents the following agenda for the June 14, 2006 Examiner conference.

The Applicant submits the following agenda:

Discussion of the cited references;

Discussion of the differences of the claimed invention with respect to the cited references; and

Discussion of the secondary considerations presented in the attached declaration.

CURRENT CLAIMS:

1. An improved rear sighting system for use in conjunction with a forward pin sight assembly on a bow, the improvement comprising;

a base plate for mounting on said bow, said base plate having a mounting portion and a support portion extending from said mounting portion, said base plate being elongated in a longitudinal direction and having a longitudinal axis, said mounting portion having a slot in the longitudinal direction and said support portion having a slide outwardly extending toward said mounting portion, said slide being removably insertable within said slot such that said support portion is transversely movable from said mounting portion along said longitudinal direction; and

a sighting assembly having a sight groove, said sight groove extending along an axis oriented substantially parallel to the plane of said support portion, said sighting assembly being mounted on said base plate in a manner so that said sighting assembly is adjustably movable along three axis of movement relative to said base plate, said sight groove having a length, a width and a height such that said length has a longer dimension than said width, said sight groove positioning said length such that misalignment of said bow will cause a portion of said sight groove to obscure a view through said sight groove.

2. The improved rear sighting system of claim 1 additionally comprising a bow string mounted thereon, said sighting assembly being mounted on said bow in a position rearward of said bow toward said string for orienting toward an archer when the archer draws said bow string of said bow.

3. The improved rear sighting system of claim 1 wherein said sighting assembly is mounted to said base plate along an axis that is substantially perpendicular to the plane of said support portion to permit adjustment of said position of said sight groove of said sighting assembly in a horizontal direction, said sighting assembly is further mounted to said base plate in a plane that is oriented substantially perpendicular to said longitudinal axis to permit adjustments of said sight groove in a vertical direction and said sighting assembly is further mounted to said support portion along said longitudinal axis to permit adjustment of said position of said sight groove of said sighting assembly in a transverse direction relative to said mounting portion to adjust the distance between said sight groove and said forward pin sight assembly,

4. The improved rear sighting system of claim 1 wherein the sighting assembly comprises:

a pedestal slidably mounted on said base plate and having a channel formed therein;

a mast member mounted on said pedestal with an end portion of said mast member being positioned in said channel of said pedestal such that a position of said mast member in the channel is adjustable, said sight groove being mounted on said mast member.

5. The improved rear sighting system of claim 4 wherein said sight groove has a substantially V-shaped cross section, said sight groove being located near a top edge of a sight guide such that said sight guide will obscure the archer's view below said V-shaped cross section.

6. The improved rear sighting system of claim 5 additionally comprising a pair of alignment marks on said sight guide, each of said alignment marks being located on an opposite side of said sight groove and located between a top of said height of said sight groove and a bottom of said height of said sight groove such that a first pin of said pin sight will form a line with said alignment marks when said bow is in a proper position and said first pin will be obscured when said bow is not in a proper position groove and wherein at least a second pin of said pin sight will be obscured by a portion of said rear sight below said sight groove.

7. The improved rear sighting system of claim 6 additionally comprising a light assembly being positioned to light said alignment marks such that said alignment marks will be visible in low light conditions.

8. A rear sight system for improving aiming of an arrow fired by a bow which has a forward sight, the rear sight system, comprising:

a rear sight mounted on said bow such that said rear sight is adjustably movable along three axis of movement relative to said bow, said rear sight non-integrally spaced from said forward sight in a direction substantially parallel to a direction of flight of said arrow fired by said bow, said rear sight including a pair of alignment marks, located between a top of said rear sight and a bottom of said rear sight, that align with a pin on said forward sight only when said bow is properly aligned such that said pin is located away from a bottom of said rear sight and wherein said pin is obscured when said bow is misaligned.

9. The rear sight of claim 8 wherein said rear sight has a V -shape such that an archer can sight said forward sight through the V.

10. The rear sight of claim 8 wherein said rear sight is a groove having a front edge visible to an archer and a rear edge, a distance from said front edge to said rear edge defining a thickness of said rear sight such that a misalignment of an eye of the archer relative to said rear sight will obscure the archer's view of said forward sight through said rear sight.

11. The rear sight of claim 10 wherein said groove has a V - shaped cross section and wherein said forward sight is a pin sight.

12. The rear sight of claim 11 wherein said alignment marks are on either side of said groove.

13. The rear sight of claim 12 including a light mounted for movement with said bow sight assembly, said light illuminating said alignment marks.

14. A rear sight for use in conjunction with a pin sight on a bow, the rear sight, comprising;

- a base plate for mounting on said bow;

- a sighting assembly mounted on said base plate in a manner such that said sighting assembly is adjustably movable with respect to said base plate along three axis of movement, said sighting assembly configured to be separately mounted on said bow at a distance from said pin sight and wherein said sighting assembly includes a block with a sight groove having a length, a width and a height such that said length has a longer dimension than said width,

said length being in a direction such that an archer's view through said groove will be obscured by the block if said groove is turned.

15. (Cancelled)

16. The rear sight of claim 14 wherein said groove is a V-notch.

17. The rear sight of claim 14 including an alignment mark on each side of said groove that form a linear pattern with a pin on said pin sight when said bow is properly aligned.

18. The rear sight of claim 17 including a light to illuminate said alignment mark on each side of said groove such that said alignment marks are visible in low light conditions.

19. A rear sight for use in conjunction with a pin sight on a bow, said rear sight, comprising;

a sighting groove mounted on a rear portion of said bow, said sighting groove being adjustably moveable along three axis of movement with respect to said bow such that an archer can sight through said sighting groove at said front sight only when said bow and archer are properly aligned, said sighting groove having a length, width and a height such that said length has a longer dimension than said width, such that misalignment of the bow will cause a portion of said groove to obscure a view through said groove.

20. The rear sight of claim 19 wherein said sighting groove is fixed relative to said bow and separate from said front sight and said sighting groove includes a pair of alignment marks on each side of said groove and located between a top of said height of said groove and a bottom of said height of said

sight groove wherein said front sight includes a pin sight wherein said pin sight aligns with said alignment marks on said rear sight only when said bow is properly aligned.

21. (Cancelled)

22. The improved rear sighting system of claim 1 wherein said base plate is non-integral with said forward pin sight assembly.

23. A rear sight system for use in conjunction with a forward sight assembly positioned on a bow, the rear sight, comprising;

a base plate mounted to said bow, said base plate having a mounting portion for being removably attached on said bow and a support portion extending from said mounting portion, said base plate being non-integrally connected to said bow with respect to said plurality forward sight assembly; and

a sighting assembly having a sight groove, said sight groove extending along an axis oriented substantially parallel to said support portion, said sighting assembly being mounted on said base plate in a manner so that said sight groove is adjustably movable along three axis of movement relative to said base plate, said sight groove having a length, a width and a height such that said length has a longer dimension than said width, said sight groove positioning said length such that misalignment of said bow will cause a portion of said sight groove to obscure a view through said sight groove.

24. The rear sight of claim 23 wherein said mounting portion has a slot in a longitudinal direction and said support portion has a slide outwardly extending toward said mounting portion, said slide being removably insertable within said

slot such that said support portion is transversely movable from said mounting portion along said longitudinal direction.

25. The rear sight of claim 23 wherein the length has a dimension of a $\frac{1}{4}$ inch.

26. The rear sight of claim 23 wherein said forward sight is moveable along said longitudinal direction.

REMARKS

Claims 1-14, 16-20 and 22-26 are currently pending in this application of which claims 1, 8, 14, 19 and 23 are in independent format.

I. **Rejection of Claims 6-13, 17, 18 and 20 Under 35 U.S.C. § 103(a)**

In the Office Action of January 25, 2006, the Examiner rejected the claims under purported obviousness with respect to U.S. Patent No. 5,579,752 (the *Nelson* reference); U.S. Patent No. 5,734,053 (the *McGunigal* reference); U.S. Patent No. 3,777,380 (the *Theodore* reference); U.S. Patent No. 2,642,661 (the *Frederickson* reference); and U.S. Patent No. 4,220,983 (the *Schroeder* reference).

Under M.P.E.P. § 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation for success. Finally, the prior art reference (or references when combined) must teach or suggest all the claimed limitations.

The Applicant submits that it is improper to combine the references where the references teach away from their combination. (See: M.P.E.P. § 2145 X.D.2). Furthermore, if the prior art references require some modification in order to meet the claimed invention or requires some modification in order to be properly combined with another reference and such modification destroys the

purpose or function of the invention disclosed in the reference, one of ordinary skill in the art would not have found a reason to make the claimed invention. (See: M.P.E.P. § 2143.01). (Emphasis added). In other words, the proposed modification cannot render the prior art unsatisfactory for its intended purpose.

The Applicant submits that a prima facie case of obviousness has not been met. In particular, the stand alone and integrated front and rear sight as taught by the *Nelson* and *Frederickson* references cannot be combined with the front sight taught by the *McGunigal* reference. The *Nelson* reference teaches an integrated forward and rear sight wherein *McGunigal* teaches a removable front sight. Since the rear sight of the *Nelson* reference can only be used with its associated front sight, one skilled in the art would not seek out to combine the front sight of the *McGunigal* reference with the integrated front sight of the *Nelson* reference. The front sight of the *McGunigal* reference cannot physically be combined with the integrated sight of the *Nelson* reference. Further, as noted in the declaration, one skilled in the art would not be motivated to seek out these references or the *Theodore* and *Schroeder* references to arrive at the claimed invention.

II. Secondary Consideration

In the declaration, the Applicant submits evidence of secondary considerations. (See: M.P.E.P. §1504.03). The evidence of secondary considerations, when it exists, is always to be considered, and not merely when the Examiner remains in doubt after reviewing the prior art. *Cable Elect. Prods., Inc. v. Genmark, Inc.*, 770 F.2d 1015 (Fed. Cir. 1985).

With respect to technical differences noted in the declaration, the Applicant, in paragraphs 2-3 and 9-17, states the claimed features that differ from the cited references. Furthermore, these features correlate the benefits provided by the invention and the claimed limitations. These inventive features relied on to distinguish over the cited references are contained in the claims. For example, in paragraphs 10-11, 13-16, the Applicant highlights the claimed non-integrated rear sight, configuration of the sight groove and the light assembly.

In the customer testimonials, the customer emphasizes features of the claimed invention. For example, in paragraph 18, the testimonials highlight features of the claimed invention. In the professional testimonials, the authors and experts emphasize the claimed invention. For example, in paragraph 20, these professionals in the industry highlight features of the claimed invention. As noted by the customer's testimonials, the customer comments were directly related to the claimed invention. (*See: Ex parte GPAC Inc.*, 29 USPQ2d 1401 (B.P.A.I. 1993), *aff'd* 57 F.3d 1573 (Fed. Cir. 1995). With respect to the commercial success noted in the declaration, the Applicant, in paragraphs, 21-24, states that the product is commercially successful is the invention disclosed and claimed in the application. In other words, the claimed features were responsible for the success. (*See: Ex parte Remark*, 15 USPQ2d 1498 (B.P.A.I. 1990). Still further, the increasing sales figures present evidence of growth in the market share and replacement of earlier products. (*See: Kansas Jack, Inc., v. Kuhn*, 719 F.2d 1144 (Fed. Cir. 1983).

Respectfully submitted,




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PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Deien, Melvin
SERIAL NO.: 10/648,639
FILED: August 26, 2003
EXAMINER: Reis
DOCKET NO.: DEIM 0000
GROUP ART UNIT: 2859
FOR: Compound Bow Rifle Sight System

I hereby certify that this correspondence is being transmitted via facsimile to Examiner T. Reis at the United States Patent and Trademark Office at (571) 273-2249, on June 12, 2006.


Brian J. Gill, Reg. No. 46,727


June 12, 2006

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 12, 2006
St. Louis, Missouri

DECLARATION OF MELVIN DEIEN UNDER 37 C.F.R. 1.132

The below-signed person skilled in the art, subject to penalties of perjury, does hereby declare and state as follows:

1. I have been involved with archery since 1960.
2. I am the founder and owner of the Compound Bow Rifle Sight, Inc. ("Company"). The Company is the exclusive seller of my invention described and claimed in the Application. The Company was established in 2003 with the business purpose of utilizing my experience of the archery industry to provide products to archers, in particular, a product

relating to a rear sight that can be used with any front sight on the market. I have designed a rear mounted, non-peep sight that overcomes the problems of peep sights minimizes margin of error by obscuring the front pine sight and overcomes the vision problems when shooting in low light conditions.¹ My sight can be used with any front sight such as a single pin sight, a multiple pin sight and a pendulum sight.

3. Because of the sight's design, the present sight prevents archers from torquing the bow while still maintaining form. The designed width and the thickness of the V notch the sight will obscure the front aiming pin if archer changes form by moving his bow arm causing bow torque or change form by moving his head the slightest margin causing the archer to shoot high, low, right or left. Maintaining consistent form is 80% of shooting archery with consistent accuracy. With my sight, the archer can shoot by maintaining anchor point and moving the bow, or by maintaining form and lowering the anchor point. During sighting, the archer sets the rear sight with the bottom pin and then moves the bow to the correct front pin correlating to the given distance of the target. When archer maintains form and lowers his anchor point slightly to correlate the front pin to the given distance of the target, appropriate pin will always be sitting dead center of the V. With the sight groove of my sight, the pin for the given distance will always be sitting "dead center" of the V-notch. When the archer draws the bow and comes to the anchor point, the archer will have a clear vision of the V-notch and the appropriate distance pin that is sitting dead center. This alignment will remain when the archer is following a moving target, wherein the archer can shoot from any angle or position. For example, if the target is behind a tree, the archer can bend enough to see the front pin on target and in the center of the V-notch.

¹ Peep sights are small circular sights that are physically incorporated into to the bow string. (See: Exhibit A).

4. I am the sole named inventor for pending U.S. patent application having U.S. Serial No. 10/648,639(Publication No. 2004/0088872)("the Application"). I own all rights, title and interest in the Application and invention and have not assigned any rights to another party. I am familiar with patents and the United States patent application process.

5. I have reviewed the specification, drawings and claims for the Application.

6. I have reviewed the Examiner's comments in the Office Action of January 25, 2006 regarding purported obviousness of Claims 1-14, 16-20 and 22-26 under U.S. Patent No. 5,579,752 (the *Nelson* reference); U.S. Patent No. 5,734,053 (the *McGunigal* reference); U.S. Patent No. 3,777,380 (the *Theodore* reference); U.S. Patent No. 2,642,661 (the *Frederickson* reference); and U.S. Patent No. 4,220,983 (the *Schroeder* reference).

7. I have read and considered the *Nelson*, *McGunigal*, *Theodore*, *Frederickson* and *Schroeder* references.

8. I have reviewed the claim language of claims 1-14, 16-20 and 22-26 in the document titled "Agenda for Examiner Interview", which is filed concurrently herewith.

9. The *Nelson* reference teaches a stand alone complete sight assembly that teaches an integrated front sight and rear sight. In other words, the front and rear sights must be used in conjunction with each other as shown in Fig. 2. The sight assembly of the *Nelson* reference cannot function in conjunction with any other front sight such as a single pin sight, a multiple pin sight, an adjustable single pin or a pendulum sight. As known in the art, archers like to purchase a separate front sight of their own choice, as there are many front sights to choose from.

10. Further, the integrated sight assembly of the *Nelson* reference is adjustable only to sight the bow for one defined distance. Once a target is sighted in the sight and locked into place, the sight assembly cannot be moved. If the archer is shooting a different distance than that

of the setting, then the archer will have to guess the distance since the forward sight of the *Nelson* reference does not have multiple pins that are precise settings for various yardages to keep the archer from making a bad shot. Still further, the alignment dots on the *Nelson* stand alone sight can only be used for one setting. After the archer sets the distance, the archer will have to judge where to place his front pin in the groove (48) to shoot farther distances. Without multiple pins for precise pin settings for different distances, the *Nelson* sight assembly provides a margin of error for the archer. Additionally, the sight assembly of the *Nelson* reference does not obscure the front aiming pin with the slightest movement of the bow head. In other words, the *Nelson* reference does not teach the height and width relationship of the sight to obscure the front aiming pin. The design of the *Nelson* reference for the sight thickness and width allows too much movement of the bow arm and head before obscuring the front aiming pin causing the archer to shoot right or left. With no multiple pins the archer does not know the correct distance to move his rear aiming pin, causing them to make a bad shot high or low.

11. In contrast, the Application discloses a rear alignment sight that is not integral with the forward sight. The rear alignment sight of the present application is a universal sight that will fit any bow currently in use. As such, the rear alignment sight of the present application can be used with any forward sight in the market. The nonintegrated rear alignment sight disclosed in the Application allows the archer to extend the rear sight rearward while allowing the archer to move the front sight forward providing a greater distance between the rear sight and the front sight. Further, the height and width relationship of the groove obscures the front aiming pin.

12. The *McGunal* reference teaches a front sight to be used in conjunction with the string mounted peep sight. As shown in Fig. 1 and referring to column 3, lines 1-27, member

(20) is clearly a removeable front sight. As such, member (20) is not a non-integral rear sight as contended by the Examiner.

13. One skilled in the art would not seek out the *Nelson* and *McGunigal* references alone or in combination in order to arrive at the invention of the present Application. The *Nelson* reference teaches an integrated forward and rear sight wherein *McGunigal* teaches a removable front sight. Since the rear sight of the *Nelson* reference can only be used with its associated front sight, one skilled in the art would not seek out to combine the front sight of the *McGunigal* reference with the integrated front sight of the *Nelson* reference. In other words, the front sight of the *McGunigal* reference cannot physically be combined with the integrated sight of the *Nelson* reference.

14. The *Theodore* reference is a sight for a hand gun. This gun sight has a channel that converges from the rear towards the front wherein the front surface and rear surface of the gun sight are preferably relieved in order to protect the edges of the notches from damage as a result of rough handling of a firearm on which the gun sight is mounted. (See: Figs. 1, 3, 5-9; and column 3, lines 9-15). Furthermore, the top surface of the gun sight slants downward from the rear to the front. One skilled in the art would not seek out this converging and sloping channel gun sight for a rear mounted bow sight. In contrast, the sight groove of the present Application is a straight groove having a uniform height.

15. The *Frederickson* reference teaches a stand alone integral front and rear sight for use on a long bow. (See: Figs. 1 and 2, column 1, lines 1-2). The purpose of the V shaped notch (58) in the *Frederickson* reference is to give an emergency point of aim in event of failure of the regular sight performed by the cooperation of plate (52) and the lens structure (53). As such, the disclosure the *Frederickson* reference is designed to function without the V shaped notch (58).

In contrast, the rear alignment sight of the present Application, at all times, uses the V-shaped notch in order to properly align the forward sight.

16. The *Schroeder* reference teaches a light emitting diode positioned on the front sight only. (See: Figs. 2-4). As such, the *Schroeder* reference relates to a front aiming pin. This lighted front sight is designed to be used in conjunction with a string mounted peep sight. In contrast, the light assembly as disclosed in the present Application is positioned to light the alignment marks on the rear sight.

17. There is nothing obvious about my sight assembly. There was no sight known to the industry that functions like my new rear sight or even suggests my new rear sight. I was the first person to develop a rear sight as claimed in the present Application. I determined that I could solve a problem long known to the industry if I could develop a sight groove that positions the line of the groove such that misalignment of the bow will cause a portion of the sight groove to obscure a view through the sight groove. It took years of development to create the rear sight of the present Application. My sight has met a long felt need in the industry and has been quite successful commercially.

18. In Exhibit B, I have provided a copy of my current catalogue that highlights customer testimonials. These testimonials emphasize recurring problems with peep sights and emphasize the success of my sight overcoming the current problems and shooting in low light conditions. I note that the customer testimonials highlight the features of my sight. For example, S. Meyers notes the extended mounting bracket and light assembly are great improvements. Further, S. Helmann emphasizes that the anchor point is dead center with the V-notch. S. Helmann further states that the low light shooting conditions are gone. Additionally,

G. Schroeder notes that the sight allows him to acquire the target more quickly and align the shot.

19. In Exhibit C, I have provided further customer testimonials. Similar to the customer testimonials provided in my catalogue, these additional customer comments further highlight the current problems of the industry and the advantages of my sight.

20. In addition to the positive customer comments, I have received industry praise relating to my sight. In Exhibit D, I have provided industry articles and reviews of my sight.

A) In J. Phillips' article for Fastest Bows, J. Phillips notes the current problems with peep sights. J. Phillips then states that my sight is a solution to these current problems by highlighting certain advantages obtained by my sight. For example, the article notes that the archer moves the anchor point lower to line the rear sight with pins for greater distances. As such, no matter how many pins the archer shoots, all the archer has to do is set the sighting groove of my sight to align with the bottom pin. Further, as noted in the article, when the archer draws on the target, all the archer has to do is align the sighting groove of my sight with the bottom pin and then move to the correct pin for the given distance on to the target. The article also notes that my sight works "great" in low light conditions as the archer sees everything surrounding the sight because there is no small peep hole to look through. The author then further differentiates my sight with other non-peep sights by stating that "instead of using a consistent anchor point and aligning the rear sight with the same pin for every shot, no matter what the range is, you actually move your anchor point lower to align the rear sight with pins for greater distances."

B) As further noted in Exhibit D, my sight was rated in the Fall 2005 issue of Bow Hunt America as part of the "Must Have Gear" section.

C) In the T. Dehn article for the November 2005 issue of Arrow Trade, my sight was highlighted under the article "Behind The Brand." The article highlights features of my sight; and in particular, the sighting groove with the V-notch. The article notes that the archer draws the proper alignment to come to a full draw to see if the V-notch falls in line the forward pins. T. Dehn stated that his 20, 30, 40 yard pin sittings became his 20, 40, 60 yard settings. Showing he is shooting 20 yards further with the same amount of pins. His accurate shooting distance between pins is greater allowing the archer to misjudge the distance of his target a greater margin, still making a good shot. There is no sight in the market today that I know of with these capabilities.

D) Finally, as noted in Exhibit D, Mr. Robert Sexton, a pro shooter with the company Pro Staff provided a critique of my sight. Mr. Sexton approached my booth at a trade show within the last six months and purchased one of my sights. As noted in Mr. Sexton's correspondence, he highlights current problems in the industry and the advantages of my sight. In particular, Mr. Sexton highlighted that the sight groove provides attributes to tighter and more consistent shots. Mr. Sexton further notes that with the openness of the sighting groove, my sight is successful in lowlight conditions.

E) Although I have advertised in Arrow Trade magazine and Bow Hunt America in the last three years, I did not approach these authors relating to my sight.

21. To my knowledge, prior to my sight, no similar rear sight system was available. As noted above, the archery industry primarily used peep sights. Since the present sight

introduced the advantages for consistent and accurate shooting, I believe the Company has become a volume supplier of non-peep rear sights.

22. The table below illustrates the increased sales in the short amount of time in which the claimed invention has been sold:

Year	Sales
2003	\$12,595
2004	\$10,198
2005	\$61,364
2006	\$36,108 (1/06-5/06)

23. Customers have largely accepted my present sight because of the quality, reliability and consistency of the features of my sight. Other companies are currently coping the sight of the present Application. These companies include Timberline Archery; Sue Sword; Yikes Bow Sight; Kingsway Archery; Savage Torque Sight; Extreme Archery and Double Barrel Torque Master.

24. The increase of sales and copying is substantially contributed to the industry gravitating to the present sight due to the problems of the peep sight and the advantages of my sight.

25. In my opinion, the commercial success of my sight is primarily contributed to the fact that: (a) the sighting assembly is adjustably moveable on three axis of movement relative to the base plate; (b) the sight groove positions the length such that misalignment of the bow will cause a portion of the sight groove to obscure a view through the sight groove; (c) the light assembly illuminates the alignment marks that are positioned on the rear sight groove; (d) the openness of the light groove improves shooting for low light conditions; and (e) shoot very tight groups with rifle-like accuracy, shoot further distances with few pins, shoot with consistent accuracy from any angle or position without an anchor point.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant application or any patent issued thereon.

Dated: _____

Melvin Deien

deien

From: "twalters" <twalters@olivettermo.com>
To: <deien@sbcglobal.net>
Sent: Wednesday, September 13, 2006 8:06 PM
Subject: Peep Eliminator

Melvin,
I'm by no means anybody important, just an avid hunter who has been suffering from the age old peep sight disease. I just want to thank you for your product and let you know that I will tell everyone that I know about it. As you will read in the following text that I posted on an archery web site that I frequent, I have tried every other product on the market spending hundreds of dollars in an attempt to get rid of my peep sight, my only regret is not knowing about your product sooner. This is the most user friendly and easiest rear sight I have ever set up, and in less time than it takes to serve in a new peep I was shooting the tightest groups I have ever shot. I was amazed at how much more clearly I could see in low light conditions. This sight is a god send for my father who is an avid hunter who is getting older and his eye sight is getting worse, he picked up my bow only five minutes after putting your sight on and in low light conditions (that he normally would be getting out of the stand and coming into camp) He was shooting as good as I was It was an awesome thing to know that a product has actually extended his ability to hunt longer even with diminishing eye sight. I know that some may read this and think it made up for product promotion but I'm here to tell you the proof is in the puddin' and I cant wait to take the first deer with this new system. Below is the web-post that I mentioned earlier, the web site is the bow site www.bowsite.com the post is under Modern archery tuning and equipment, hopefully this will be a good advertising tool in the future.

WEB POST-

After many years of searching for a peep eliminating device I FOUND IT. Before I go any further I'm not affiliated with this company in any way shape or form, I have so many times come to the bow site and searched for things that have worked for others with the "don't reinvent the wheel mentality" and found some superb help. Hopefully this can be something some one else can use. The Peep Eliminator" is the best no peep sight I have ever seen I have experimented with all the others (No-Peep, Hind sight ect ect) the list is long. The point is this is the easiest most user friendly rear sight system I have ever shot works exceptionally well in low light situations. I put it on my bow last night and was ready to shoot in 5 min. But it was getting pretty dark thought I'd try it any way and was amazed at how much better I could see. Here's a link check it out for yourselves. Hope this may help some of you with peep problems. <http://www.peepeliminator.com/>

Thank You
Todd Walters

deien

From: <blaine@mainesafaritv.com>
To: "deien" <deien@sbcglobal.net>
Sent: Sunday, July 23, 2006 6:38 AM
Subject: RE: Peep Eliminator

Peep Eliminator.

As an avid outdoorsman and the host of Maine Safari Hunting Adventures national TV show, I have to tell you this is the best archery product I have tried in many years. I have used a high tech scope (which cost me over \$400) for the past 3 years thinking it was the best most accurate system I have used to date. I wanted to switch to a standard peep sight to get rid of some weight on my bow.

Not liking standard peep sights due to th fact here in Maine, Big Bucks are usually seen the last five minutes of legal shooting hours, I could not always find my peep. The peep eliminator did not effect my accuracy, in fact it improved it and I can see just as well in those critical hours when you need your aim more than ever. If you have never tried the peep eliminator, you really don't know what you are missing.

Blaine Anthony
Host - Maine safari Hunting adventures

----- Original Message -----